



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,941	05/03/2007	Kenta Yamazaki	2006-1130A	9297
513 7590 01/29/2010 WENDEROTH, LIND & PONACK, L.L.P. 1030 15th Street, N.W., Suite 400 East Washington, DC 20005-1503				
EXAMINER				
BINDA, GREGORY JOHN				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
01/29/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/585,941

Applicant(s)

YAMAZAKI ET AL.

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-7, 11, 14-16, 18 and 21-26 is/are pending in the application.
4a) Of the above claim(s) 5 and 16 is/are withdrawn from consideration.
5) ☒ Claim(s) 6, 11, 14, 24 and 1521 is/are allowed.
6) ☒ Claim(s) 1, 2, 7, 18, 25 and 26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 30 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 5 & 16 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 30, 2009.

Claim Rejections - 35 USC § 102

3. Claims 1, 7 & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Gregory, US 2,875,599. Gregory shows a fixed type constant velocity universal joint comprising:

an outer member having a multi-layer structure of three or more layers including an outside member 25, one or more intermediate members 31, 36, and an inside member 3, and a spherical inner surface with a plurality of track grooves 24 formed therein;

an inner member 2 having a spherical outer surface with a plurality of track grooves 23 formed therein;

a plurality of balls 22 each arranged in a wedge-shaped ball track formed by the track groove of the outer member and the track groove of the inner member;

a retainer 18 arranged between the spherical inner surface of the outer member and spherical outer surface of the inner member and adapted to retain the plurality of balls; and

a fixing means 37 for fit-engaging the inside member with the outside member at an end of the outside member, thereby integrally fixing together the outside member, the one or more intermediate members, and the inside member.

4. Claims 1, 2, 7, 18, 25 & 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Jacob, US 2002/0115492. Jacob shows a fixed type constant velocity universal joint comprising:

an outer member having a multi-layer structure of three or more layers including an outside member 6, one or more elastic intermediate members 40, and an inside member 2, and a spherical inner surface with a plurality of track grooves formed therein;

an inner member 3 having a spherical outer surface with a plurality of track grooves formed therein;

a plurality of balls 5 each arranged in a wedge-shaped ball track formed by the track groove of the outer member and the track groove of the inner member;

a retainer 4 arranged between the spherical inner surface of the outer member and spherical outer surface of the inner member and adapted to retain the plurality of balls; and

a fixing means (see in Fig. 4 the unnumbered element traversed by the lead line for reference numeral 2) for fit-engaging the inside member with the outside member at an end of the outside member, thereby integrally fixing together the outside member, the one or more intermediate members, and the inside member.

Allowable Subject Matter

5. Claims 6, 11, 14, 15 & 21-24 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 2, 7, 18, 25 & 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 10:30 am to 8:00 pm with alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Binda/
Primary Examiner, Art Unit 3679